

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

THERESA DEBBAUT

PLAINTIFF

V.

CASE: 1:19-cv-00158-SA-DAS

**ALLSTATE INSURANCE COMPANY,
ERIC A. JAMES and JOHN DOE(S) 1-5**

DEFENDANTS

AGREED ORDER OF REMAND

COMES NOW BEFORE THE COURT, the parties' request that this Court remand this matter to the County Court of Lowndes County, Mississippi pursuant to agreement by the parties that Plaintiff does not and will not seek nor recover an amount in excess of \$75,000.00, the jurisdictional threshold for this Court to have jurisdiction of this matter under 28 U.S.C. § 1441.

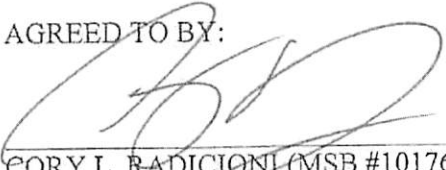
The Court finds that Defendant Allstate Insurance Company ("Allstate") removed this matter pursuant to 28 U.S.C. § 1441 alleging that there was complete diversity among the parties and the amount in controversy in this action exceeded \$75,000.00. Recently, Allstate was notified that Plaintiff intended to oppose removal and seek remand of this matter to the County Court of Lowndes County, Mississippi on the basis that removal under 28 U.S.C. § 1441 was improper because the amount in controversy in this matter did not exceed \$75,000.00. Counsel for the parties discussed this matter and Plaintiff agreed to execute a stipulation of damages that explicitly and unambiguously limits Plaintiff's total damages/claims and/or potential recovery against Allstate to \$75,000.00 or below. *See Executed Damages Stipulation, Exhibit "A" to the Agreed Order.*

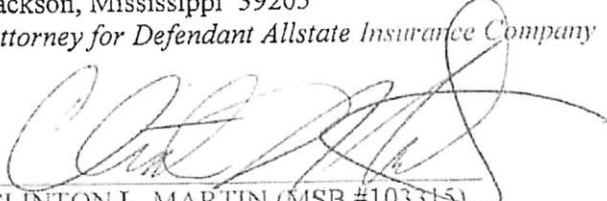
THEREBY pursuant to an agreement by the parties that Plaintiff is not and will not seek damages in excess of \$75,000.00, this Court hereby orders that this matter be remanded to the County Court of Lowndes County, Mississippi, the court in which this matter was originally filed.

This the 17th day of September, 2019.


U.S. DISTRICT COURT JUDGE

AGREED TO BY:


CORY L. RADICIONI (MSB #101761)
Wise Carter Child & Caraway, P.A.
Post Office Box 651
Jackson, Mississippi 39205
Attorney for Defendant Allstate Insurance Company


CLINTON L. MARTIN (MSB #103315)
Schwartz & Associates, P.A.
Post Office Box 3949
Jackson, Mississippi 39207-3949
Attorney for Plaintiff